

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA)	CR No.: 3:06-61-JFA
)	
v.)	ORDER
)	
QUENELL WALTERS)	
)	
_____)	

Pending before this court are three motions by the defendant relating to his conviction in this court by a jury in 2007. First, the defendant moves the court to expunge his Section 851 enhancement (ECF No. 1206). Next, the defendant requests that this court release him from custody allegedly because false testimony was made during his trial (ECF No. 1207). Finally, the defendant claims his trial counsel was ineffective (ECF No. 1208).

The defendant filed an appeal of his judgment which the Fourth Circuit Court of Appeals affirmed on December 8, 2009.

It appears that the defendant is challenging his sentence and wishes to pursue a motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. So that the defendant may properly set out all of his claims in a legible format, the Clerk is instructed to send blank § 2255 forms to the defendant to complete.

If the defendant does not wish to pursue relief under § 2255, then he must advise the court in writing within 14 days of this order so that the court may rule on the present pending motions as they have been filed and not as seeking relief under § 2255.

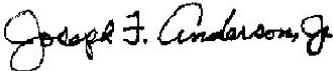
The defendant is hereby advised that if a merits ruling is made on the motions as they

now stand, any future motions under § 2255 could be considered successive and subject to pre-filing authorization by the Fourth Circuit Court of Appeals. *See Slack v. McDaniel*, 529 U.S. 473, 485-489 (2000).

The court makes no determination as to the merit of the present motions.

IT IS SO ORDERED.

March 7, 2012
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge